

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

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Education and Public Works Department

Notification

PWD/PE/2782/74

The following draft rules which are proposed to be made under the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973) are hereby pre-published as required by sub-section (1) of Section 97 of the said Act for information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft rules may be forwarded to the Development Commissioner to the Government of Goa, Daman and Diu, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of draft rules.

In exercise of the powers conferred by section 97 of the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973), the Government of Goa, Daman and Diu, hereby makes the following rules, namely:—

PART I

Preliminary

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Irrigation Rules, 1975.

(2) They shall come into force at once.

2. **Definitions.**— In these rules unless the context otherwise requires:—

i) "Act" means the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973);

ii) 'Executive Engineer' means an Executive Engineer in the Public Works Department, Government of Goa, Daman and Diu;

iii) 'Form' means a form appended to these rules;

iv) 'Hot weather crop' means a crop grown within hot weather season; namely, from 15th February to 14th June next following;

v) 'Kharif crop' means a crop grown within Kharif season, namely, 15th June, to 14th October next following;

vi) 'Outlet' means an opening through which water passes from a tank, canal, branch canal, distributory or water course to a field channel;

vii) 'Pass' means a written order of a Canal Officer to any person authorising him to receive a supply of water from a canal;

viii) 'Perennial crop' means a crop which is irrigated continuously for a period of more than eight months;

ix) 'Plot' means one or two or more portions into which a piece of land is divided for the purpose of irrigation, each of such portions being provided with separate inlet for irrigation water;

x) 'Rabi crop' means a crop grown within rabi season, namely, from 15th October, to 14th February next following;

xi) 'Section' means a section of the Act;

xii) 'Sub-Divisional Officer' means a Sub-Divisional Officer of the Public Works Department, subordinate to the Executive Engineer;

xiii) 'Superintending Engineer' means the Superintending Engineer of the Public Works Department, Government of Goa, Daman and Diu.

PART II

Construction, Control and Maintenance of Canals

3. **Notice to occupier of building, etc.**— The notice to an occupier of a building, enclosed court or garden attached to a dwelling house referred to in Section 9, shall be in Form 1.

4. **Passing of persons, animals or vehicles in or across canals.**— (1) No person shall pass, or cause any animal or vehicle to pass in or across the bank, or channel of any canal at any place except at a place fixed by the Canal-Officer. A notice board shall be caused to be erected at the place so fixed by the Canal-Officer.

(2) In fixing places under sub-rule (1) the Canal-Officer shall have due regard to the reasonable convenience of the persons residing or holding lands in the vicinity who may have to cross the canal or provide water for their animals.

(3) A contravention of sub-rule (1) shall be an offence punishable under section 84.

PART III

Water Courses

5. Notification under section 15.— A notification under sub-section (1) of Section 15 shall be in *Form 2* and a notification under sub-section (2) of Section 15 shall be in *Form 3*.

6. Fixation of boundary marks of lands acquired for field Channels.— The boundary marks to be fixed under Section 17 shall be in stones or concrete blocks of 15.0cm × 15.00cm × 75.0cm and the said marks shall be fixed at every point where the boundary of the lands for the field channels crosses the survey number or sub-division of a survey number, at every corner of the alignment and at such other points as the Canal-Officer may deem necessary.

7. Maintenance of boundary marks.— (1) The holder of survey number or sub-division of a survey number in which boundary marks are fixed shall be bound to maintain the boundary marks in position.

(2) A contravention of sub-rule (1) shall be an offence punishable under Section 84.

8. Notice under Section 19.— (1) A notice to be issued under Section 19 shall be in *form 4*.

PART IV

Supply and Use of Water

9. Application for permission to use water from Canal.— (1) Every person desiring to have a supply of water from a canal shall submit a written application to that effect to the Canal-Officer.

(2) If the application be for a supply of water to be used for purposes other than those of irrigation, the Canal-Officer may, with the sanction of the Government, give permission for water to be taken for such purpose under such special conditions and restrictions as to the limitations, control and measurement of the supply as he shall be empowered by the Government to impose in each case.

(3) An application for permission to use water from a canal for irrigation purposes shall be in *Form 5*.

(4) An application for a supply of water for any purpose other than irrigation shall be made by a letter addressed to the Canal-Officer.

10. Dates for applications.— (1) The Canal-Officer shall, by a notification published in the manner prescribed by the Government by general or special order, fixed for each canal the date for submission of the prescribed application. Any change in any such date shall be notified not less than three months in advance; provided that if in any year a change is deemed to be advisable on account of unforeseen, seasonal or economic conditions or changes in administrative arrangements, a later date may be fixed without such three months previous notification.

(2) Every application for a supply of water for the purpose of irrigation shall be made in accordance

with rule 9 (3) on or before the date fixed for submission of such applications under sub-rule (1):

Provided that if an application is received after such date and the Canal-Officer is satisfied that the delay was unintentional and due to causes beyond the control of the applicant, he may treat such application as if it had been received on due date:

Provided further that if it appears to the Canal Officer that supply of water will be available after all applications received before such date have been disposed of, he may receive applications upto any later date.

11. Acknowledgement of application.— When an application for a supply of water is personally delivered, the counterfoil receipt for applications attached to the duplicate form shall be initialled and dated by the Officer receiving such application and handed back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be despatched to the applicant as soon as may be practicable after the application is received.

12. Application by whom to be made and conditions for sanctions.— (1) An application for a supply of water for the irrigation of land for any period may be sanctioned in favour of—

(a) the occupant or joint occupants of the lands; or

(b) the superior holder or joint superior holders of alienated land; or

(c) any other person or persons having a right to cultivate the land under irrigation for the period for which supply of water is to be given; or

(d) any other person duly authorised by any of the persons mentioned in clauses (a), (b) and (c) to receive such supply.

(2) An application made by a person having neither such interest in the land as is mentioned in Clauses (a), (b) and (c) of sub-rule (1) nor such authority as is mentioned in clause (d) of the said sub-rule may be summarily rejected by the Canal-Officer.

(3) An application made a person other than the occupant or superior holder shall not be sanctioned unless such applicant furnishes suitable security for the payment of water rates or other charges which may become payable in respect of any obligation arising out of the sanction of such application, by the execution either of a bond in *Form 6* with two sureties to be approved by the Officer sanctioning the application or of a mortgage bond in *Form 7*.

(4) When an application is made by the occupant or superior holder the Canal-Officer may, if he considers that security is necessary, by an order in writing require such applicant to furnish similar security as is described in sub-rule (3).

(5) When an application is made by a person other than the occupant or superior holder, the Canal-Officer may refuse to sanction such application unless the consent of the occupant or superior holder has been obtained by the applicant. If the consent of any other person having an interest in the land as mortgagee or otherwise, appears to the Canal-Officer to be necessary to ensure that all obligations arising

out of the sanction of such application will be carried out, he may require such consent also to be obtained by the applicant.

13. Applications may be rejected or granted wholly or in part — Manner of sanction and approval. — (1) The Canal-Officer may reject the application for a supply of water or sanction the supply applied for wholly or in part or with modifications.

(2) The Canal-Officer may refuse to sanction a supply of water for the cultivation of sugarcane to any land which is within a distance of 30 meters from the boundary of any road, cart-track, open drain or well if such supply would, in his opinion interfere with the use of, or cause damage to such road, cart-track, drain or well.

(3) The order passed under sub-rule (1) shall be recorded on the application and the duplicate copy of the application shall be endorsed with a copy of the order and delivered or despatched as the case may be, to the applicant.

(4) If the supply sanctioned is different from that applied for the applicant may either withdraw his application, in which case the sanction given shall be cancelled or make a further application for a modification of the sanction. Such further application, if sanctioned, shall not be deemed to be an application made after the prescribed date.

(5) If the applicant is in arrears of water rates which became due before the date of the application, the application may be summarily rejected or sanction may be given provisionally subject to the condition that such arrears are paid before a specified date prior to the commencement of supply.

(6) If the Canal-Officer has reason to doubt the authenticity of any signature or endorsement or the truth or accuracy of any information furnished in an application, he may postpone the passing of order necessary in order to ascertain the facts. In such case, he shall record in writing his reason for postponing the passing of orders.

14. Allotment of available supply. — If from any cause, any water supply is insufficient to meet all demands for water from such supply, questions regarding the allotment of the available supply and the quantity and regulation thereof shall, subject to the general or special orders of the Government, be determined by the Canal-Officer.

15. Regulation of cultivation. — (1) An order under sub-section (1) of Section 24 shall be published by affixture of a copy of such order on the notice board of the Office of the Canal-Officer and by causing affixture of copies of such orders on the notice board of the Office of the Mamlatdar of the Taluka and of the Offices of the Village Panchayats of the villages concerned.

(2) The Canal-Officer shall determine the areas of land or portions of the wet lands in the irrigable area of a Canal to be cultivated with any crops specified in sub-section (1) of Section 24 in any year, within two months before the commencement of sowing operations for the cultivation of such crop or crops.

16. Cultivation and use of water. — The following provisions in respect of cultivation and use of water shall be observed, namely: —

i) a suitable system of water channels shall be maintained so that the water required for the irrigation of any plot can be supplied directly from a channel;

ii) the number and location of the inlets necessary for the supply of water to any such system shall be subject to the general or special orders of the Canal-Officer;

iii) no irrigation water shall be allowed to pass from one plot to another plot;

iv) the manner in which water is supplied shall be subject to the general or special orders of the Canal-Officer;

v) no crop shall be grown in the channels leading to the plots when such channels are less than 1.20 meters wide from the top inner edge of the bund and after earthing there shall be no cane growing in or interfering with the flow of water in the channels;

vi) no crop shall be planted within 1.80 meters of the edge of a main water course. If a question arises as to what is a main water course, the Canal-Officer shall decide the matter and his decision shall be final and conclusive;

vii) no crop shall be grown on the top of any bund. A subsidiary crop may however, be grown along the slopes of the bund provided the growth of such subsidiary crop does not interfere with inspection;

viii) (a) any bund may, immediately after rain, be cut without permission. Such bund shall, however, be properly repaired before the next watering is taken;

(b) except as provided in clause (a) a bund may be cut only in case of emergency and if the person on whose application the supply of water is sanctioned under these rules cuts the bund, he shall be liable for any wastage of water unless he shows to the satisfaction of the Canal-Officer that the accumulation of water, if any, was due to cause for which he was not responsible.

ix) the person on whose application the supply of water is sanctioned under these rules or his representative shall be present during the whole time that water is being taken and if a pass has been issued such person shall have it in his possession.

17. Construction and maintenance of bunds and demarcation and preparation of land. — (1) In each separate area of land for the irrigation of which sanction has been obtained —

(a) the portion under irrigation shall, throughout the period of irrigation, be completely surrounded by bund not less than 0.30 meter high and of 0.30 meter top width and shall be formed into suitable plots;

(b) on any common boundary between two areas irrigated under separate sanctions, two separate bunds need not be maintained.

(2) the Canal-Officer may withhold the first supply of water in any area in which the provisions of sub-rule (1) are not complied with.

(3) the application of water to land which is not prepared and maintained in accordance with sub-rule (1) shall constitute misuse of water within the meaning of Clause (d) of Section 22.

PART V

Water Rates

18. Water rates how to be fixed.—The rates, determined by the Government under section 33 for canal water supplied for purposes of irrigation shall, in the absence of a special agreement or contract, ordinarily be levied in the form of—

(a) a rate per hectare of land irrigated, fixed with reference to the crops grown, the season of the year during which and the period for which water is supplied and the method of application of water to the land; or

(b) a rate per unit of quantity of water supplied.

19. Areas on which water rates are leviable.—(1) Water rates shall be levied on an unit of 0.20 hectares or on a multiple thereof:

Provided that when water is supplied to an area which is less than or is not a multiple of 0.20 hectares, the rates for the supply of water to the area less than 0.20 hectares or to the residue of any area over a multiple of 0.20 hectares shall upto 0.10 hectares be levied as for a supply to an unit of 0.10 hectares and exceeding 0.10 hectares as for a supply to an unit of 0.20 hectares.

(2) Water rates shall be payable on the whole area in respect of which sanction to supply has been given whether water is actually taken or not provided that water for such supply was available.

20. Water rate leviable when mixed crops are grown.—If mixed crops are grown in any part of a plot for any period, the water rate fixed for the highest rated crop so grown shall be charged for the whole plot for the whole period with respect to which such rate is leviable.

21. Water rate leviable when crop sanctioned is not planted or fails and another crop is grown.—When the sanctioned crop is not grown, or if fails, another crop may be sown, and if water is available, water shall be given to such second crop to the date upto which water would have been given to the crop sanctioned. No additional charge shall be levied if intimation has been given to the Canal-Officer in writing within eight days of planting the fresh crop and if the second crop is assessable at the same or at a lower rate than the sanctioned crop. If no such notice is given, the irrigation of the second crop shall be treated as unauthorised.

22. Water rate leviable when land intended to be irrigated by canal water is irrigated partly by well water.—If a portion of any land for the irrigation of which supply of canal water has been sanctioned is irrigated by well water for a part of the season owing to a deficiency in the supply of canal water and the applicant notifies the fact in writing to the Canal-Officer within eight days from the date on which he began taking well water, enquiry shall be made by the Canal-Officer as to whether the use

of well water was necessary and if it be shown to the satisfaction of the Canal-Officer that the use of well water was necessary the rate chargeable on the portion irrigated by well water may, at the discretion of the Canal-Officer, be reduced to an amount which shall not be less than half the rate otherwise payable.

23. Water rate leviable when well water and canal water are conveyed in the same channel.—If well water is conveyed to any land in any channel used for conveying canal water, water rate shall be chargeable on the whole of the land irrigated from such channel; provided that if well water be taken for a part of the season owing to deficiency in the supply of canal water and the applicant notifies the fact in writing to the Canal-Officer within eight days from the date in which he began taking well water and if it be shown to the satisfaction of the Canal-Officer that such deficiency existed, the rate on the portion irrigated by well water may, at the discretion of the Canal-Officer, be reduced to an amount which shall not be less than half the rate otherwise payable.

24. Irrigation from escape channels.—Irrigation from escape channels will be subject to the same provision as irrigation from the parts of a canal.

25. Water rate leviable for supply of water for forming thrashing floors.—The Canal-Officer may give water for the purpose of forming thrashing floors free to any person to whom a supply of water for irrigation has been sanctioned under these rules and to any other person at a charge per floor not exceeding half the lowest rate of 0.40 hectares.

26. Water rates for non-irrigational purposes.—Water supplied from a canal for any purpose other than irrigation shall be charged for at such rate per unit of volume of water supplied as the Government may, from time to time, by order direct. Where the amount of water supplied cannot be measured the supply shall be charged for in such manner as the Government may by order direct in each case.

27. Water rate leviable for supply of water obtained without permission or misused.—If a supply of water is obtained by any person from a canal, whether for irrigation or for any other purpose, without the previous permission of the Canal-Officer or is used in any other unauthorized manner for irrigation or otherwise, the Canal-Officer may on each occasion, charge a rate not exceeding treble, the rate chargeable for the supply as if such supply has been sanctioned. Such rate shall be leviable in addition to any penalty which may be imposed under the Act.

28. Charges to be imposed when water supplied through a water course is suffered to run to waste.—When water supplied through a water course is suffered to run to waste, the Canal-Officer may, under Section 35 charge.—

(a) if the water has flowed on any land, a rate not exceeding double the watering rate for each 0.40 hectares on which water has flowed; and

(b) in any other case a rate not exceeding double the rate chargeable under rule 26 on the volume of water estimated by the Canal-Officer to have been wasted.

PART VI

Labour for Emergencies

29. Preparation of list of labourers under Section 55. — (1) The Collector of the District shall, from time to time, cause a list to be prepared for the able bodied persons who reside or hold land in or near the locality where any canal exists, who can be called upon to assist in the execution of any work, repair or clearance under sub-section (1) of Section 54.

(2) A copy of the list so prepared shall be affixed on the notice boards of the Offices of the Mamlatdars and of the Offices of Village Panchayats of the villages concerned.

30. Classes of persons to be included in or exempted from list of labourers. — Every list of labourers prepared under rule 29 shall contain the name of every able bodied land holder holding land in or near the locality where any canal exists, of every able bodied man or woman who resides within such area and earns his or her livelihood by manual labour;

Provided that —

(a) the names of the Armed Forces Personnel, reservists and military pensioners and of persons who appear to the Collector to be under sixteen years or over fifty years of age shall not be included in such list, and

(b) any landholder who is unaccustomed to manual labour shall be permitted when called to assist at any repair, clearance or work, to furnish as a substitute any able bodied person whose name is not on the list.

31. Hearing of objections. — Any person whose name is entered in a list of labourers may apply in writing to the Collector to have his name removed therefrom. The Collector after such inquiry as he thinks necessary, shall record his decision in writing rejecting or granting the application.

PART VII

Taking over of Canals

32. Inquiry under Section 58. — The inquiry to be made under the proviso to Section 58 shall be a formal inquiry in accordance with the provisions of Section 15 of the Goa, Daman and Diu Land Revenue Code, 1969.

PART VIII

Appeals

33. Appeals. — (1) An appeal in accordance with the provisions of sub-rule (2) shall lie against an order:—

(a) requiring an applicant who is an occupant or superior holder to give security under rule 12; or

(b) rejecting a surety tendered under rule 12 as unapproved or

(c) passed under rule 13.

(2) If the original order was passed by —

(a) a Sub-Divisional Officer, empowered as Canal-Officer the appeal shall lie to the Executive Engineer; or

(b) the Executive Engineer empowered as Canal-Officer, the appeal shall lie to the Superintending Engineer.

(3) Every order passed by a Canal-Officer under rule 22 or 23 shall be appealed to the Collector.

(4) All appeals shall be presented within 30 days of the date on which the order appealed against was communicated to the appellant.

34. Manner of preferring appeals. — All appeals preferred under the act or under these rules must be made by a written petition signed by the appellant. Such petition may be delivered at the Office of the appellate authority by the appellant in person during office hours or forwarded through post.

PART IX

Drawing of Water Free of Charge

35. Drawing of water from canal on which no expenditure is made by Government. — Notwithstanding anything contained in these rules every application for drawing of water free of charge for agricultural purposes and not for commercial or industrial purposes including the cultivation of sugarcane by sugar companies from a canal vesting in the Government and on which Government has not incurred any expenditure shall be made in accordance with the provisions of this Part.

36. Application for water. — (1) Every application under this Part shall be made in duplicate to the Canal-Officer in Form 8.

(2) Such application may be delivered personally or sent by post to the Canal-Officer.

(3) Printed copies of the prescribed forms of application shall be supplied to intending applicants free of charge.

37. Sanction for the use of water for food and fodder crops. — Sanction will be granted for the use of water free of charge for growing food and fodder crops including onions.

38. Making channels for taking water. — The applicant shall make a channel or channels for taking water to his lands at his own cost and responsibility.

39. Separation of crops irrigation by water supplied under this Part. — Crops irrigated by the water supplied under this Part shall be separated from all crops irrigated by water supplied, otherwise under the Rules by at least 15 metres at all places.

40. Non-interference with the natural drainage or artificial channels. — The applicant shall not interfere with the natural drainage or artificial channels in utilising the water sanctioned for his land.

41. Marking of the area for which water has been sanctioned on a plan. — The area for which the water has been sanctioned by Canal-Officer shall be marked on a plan which shall be signed by the applicant.

42. Compensation for failure or deficiency of water. — No claim for compensation on account of damage to crops due to failure or deficiency of water shall be entertained.

43. **Penalty for using water after the expiry of the period of the pass.**—For using water after the expiry of the period of the pass or without obtaining a pass or for breach of any of the conditions, full water rates are leviable.

44. **Granting of different canal water for the area sanctioned under this Part.**—No other canal water shall be granted to or utilised for the areas brought under cultivation under the pass issued under this Part.

45. **Water rates for crops grown in excess of the sanctioned area.**—Areas of crops grown in excess of the sanctioned area shall be liable to be charged at full water rates leviable for using canal water.

46. **Prohibition of taking water before sanctioning.**—No water shall be taken by any person before his application has been sanctioned and before a pass has been delivered to him.

FORM 1

(See rule 3)

Notice of entry into building or enclosed Court or Garden attached to Dwelling House under Section 6, 7 or 8 of the Goa, Daman and Diu Irrigation Act, 1973.

To ...

I, ... Canal-Officer ... hereby give notice that it is proposed to enter into the building/enclosed Court/Garden attached to dwelling house in survey No. ... of ... Village ...

Taluka ... District which is in your occupation for the purpose of ... at ... on ...

I, request you to allow any person acting on my behalf and under my order to (here enter the purpose) ...

Canal-Officer

FORM 2

(See rule 5)

Notification

Notification under section 15(1) of the Goa, Daman and Diu Irrigation Act, 1973.

Whereas, I ... Canal-Officer ... am satisfied that the construction of water courses for the lands specified in the schedule hereto is necessary in public interest for supply of water to lands requiring such supply for purposes of cultivation from outlet No. ... at chainage ... of Distributary/Sub-Distributary.

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 15 of the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973) I, ... Canal-Officer ... hereby declare that the water course may be constructed for this area after ...

Schedule of lands for which water courses are necessary

Name of district	Taluka	Name of village	Survey No.	Area likely to be irrigated
1	2	3	4	5

Canal-Officer

To,

The Manager, Govt. Printing Press for publication in the Gazette dated ... 19...

FORM 3

(See rule 5)

Notification

Notification under section 15(2) of the Goa, Daman and Diu Irrigation Act, 1973.

Whereas in my opinion, it is necessary to occupy the lands specified in the Schedule hereto for construction of water courses under outlet No. ... at Chain ... of Distributary/Sub-Distributary ... for purpose of supply of water to lands requiring such supply for purposes of cultivation and such lands have been marked out.

Now therefore, in exercise of the powers conferred on me by Sub-Section (2) of Section 15 of the Goa, Daman and Diu Irrigation Act, 1973, I ... Canal-Officer ... hereby declare that the said lands have been marked out for the construction of field channels.

SCHEDULE

Sl. No.	Name of district	Name of taluka	Name of village	Survey No.	Area marked out for construction of field channels
1	2	3	4	5	6

Canal-Officer

Copy to: — 1. The Mamlatdar.

2. The Assistant Engineer ... Sub-Division ...

3. The Collector ... District.

4. The Superintending Engineer ... Circle.

FORM 4

(See rule 8)

Notice under Section 19.

Office of the Canal-Officer

To,

Shri/Smt. ...

Whereas it has come to my notice that you have failed to fulfil the obligation imposed by sub-section (1) of Section 18 of Goa, Daman and Diu Irrigation Act, 1973 to maintain the water course or courses under outlet No. ... at Chain ... Distributary/Sub-Distributary/Water Course No. ... in a fit state of repair.

Now, therefore, in exercise of the power vested in me under Section 19 of Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973) I, ... Canal-Officer direct you to execute the necessary repair works within ... days, failing which the same will be executed by me and all expenses incurred in the execution of such repair will be recoverable from you as arrears of land revenue.

Canal-Officer

Copy to: — The Assistant Engineer.

FORM 5

[See rule 9(3)]

Application for water for irrigation

No. of application: —

To,

The Canal-Officer,

...

...

I, ... resident of Village ... Taluka ... District ... make this application of Irrigation of land hereinafter described subject to the provisions of Goa, Daman and Diu Irrigation Act, 1973

and any other law for the time being in force relating to irrigation and the provisions of Goa, Daman and Diu Irriga-

tion Rules, 1975 and subject to the conditions specified on this application to which I agree:—

Name of village	Name of distri-butory	Name of sub-distri-butory	Outlet No.	Survey No. and sub-survey No.	Area of survey No.	Area of holding	Area to be irrigated	Crop	Period for which water is required
1	2	3	4	5	6	7	8	9	10

2. I am the ... of the lands for which water has been applied for.

3. I have paid all arrears of water rates upto and including the ... season of 19 ... I am in arrears of water rates for the ... only.

4. The name and address of the applicant to whom the orders on this application should be communicated are ...

Signature or Left Hand Thumb

Impression of the Applicant

Date:—

Signature of witness

(all the details of the application have to be filled up) by the applicant.

Forwarded for sanction as follows:

(1) Area to be sanctioned (2) Period of sanction.

From ... to ...

(3) Water rate to be charged ... per hectare ...

Signature

Dated:—

Sanctioned

Date:—

Instructions

1. The application is to be submitted in duplicate to the Canal-Officer or to any Officer authorised by him to receive such applications. It may be sent by hand, presented personally or sent by post.

2. When order is passed the duplicate form will be returned to the applicant endorsed with the Canal-Officer's final order.

3. No sanction will ordinary be given for the irrigation of any land to any person other than (1) the sole occupant or all joint occupants, (2) The sole superior holder or all joint superior holders, (3) A person having the right to carry on irrigated cultivation of the land for the period of the sanction, or (4) a person duly authorised on behalf of any of these to receive such sanction.

4. The applicant must state at No. 2 on the form the nature of his interest in the land or of his authority to apply for sanction for carrying on irrigated cultivation in the land. He must also state at No. 3 on the form the season up to and including which he has paid arrears of water rates.— If he owes any water rates he must state the seasons or years for which he does so.

5. The applicant should note in the space provided at No. 4 on the form the name and address of the person to whom the order of this form is to be given and whether it should be sent by post, or delivered from any Canal Officer or kept at any Office to be called for, postal intimation being sent when it is ready for delivery.

6. Any applicant may be required to furnish a Bond in Form 6 executed by two suitable sureties or execute a mortgage bond in Form 7 as security for the payment of all amount which may become due in respect of the water to be supplied under the sanction. And he may also be required to obtain the assent of any person having an interest in the land to the grant of sanction to him.

7. Sanction will be refused for the irrigation of any land which is found to be unsuitable for this form of irrigation.

Conditions

1. After an application has been sanctioned, full water rates shall be payable for the area and period sanctioned by the Canal-Officer whether the area is irrigated or not provided water was available during the period. No water rate shall be charged in the case of perennial crops when the applicant gives a written intimation to the Canal Officer within one month from the date of sanction to the application that water is not required.

2. Each type of crop (namely, sugarcane, pan ordinary perennial, two season and seasonal) shall be grown only to the extent of the sanction shown on the pass, but an equal area of any lower rated type may be substituted.

3. The area sanctioned shall not be exceeded.

4. The sanction is liable to be cancelled or the supply of any crop irrigated under the sanction liable to be withheld or stopped entirely without notice for breach of any provision of the Goa, Daman and Diu Irrigation Act, 1973 or rules made thereunder or of any of the conditions.

5. Water shall be given for the whole season, if available or at the discretion of the Canal-Officer, for as many waterings as may be possible.

6. Full water supply is not guaranteed but an intimation of the possibility of a shortage of water during the seasons for which application is made shall be given at earliest date possible.

7. Where no permanent water channel exists, the irrigator shall allow the construction of a temporary channel to his land, if necessary along the line fixed by the Canal-Officer or his representative, for the benefit of irrigators whose fields are situated below his land.

8. Water for any area of sugarcane sanctioned is subject to the conditions that water is liable to be withheld from new sugarcane area after 31st May, if necessary. Each consecutive watering after 31st May shall require the sanction of the Canal-Officer. Such sanction shall be accorded if water is available in the canal for agricultural purpose but if it is insufficient at any time of the season all further waterings may be stopped and the irrigator shall not in that case claim compensation for any damage to the sugarcane crop due to shortage of water.

FORM 6

[See rule 12(3)]

Form of Security Bond

Whereas ... resident of ... Taluka ... District ... has applied for a supply of water to irrigate the land hereinbelow described, namely:

Village	Taluka	Survey No.	Plot No.	Area of field to be irrigated	Name of crop	Period of irrigation
1	2	3	4	5	6	7

and whereas he has been required to furnish security for the payment of water rates and other charges:—

We ... resident of ... Taluka ... District ... and resident of ... Taluka ... District ... do here declare ourselves sureties for the above mentioned ... that he shall duly pay at the prescribed time or times every rate, charge, penalty or the sum whatsoever that shall become due from him in respect of the supply of water granted to him in pursuance of his said application, and in case of his making default therein we each of us, for himself his heirs, executors and administrators agree to pay to the President of India such sum not exceeding in the aggregate rupees ... demanded of us, or of either of us, or of any heir executor, or administrator of either of us, on account of any such rate, charge penalty or other sum aforesaid.

And we do further agree that the amount of any such rate, charge, penalty or other sum aforesaid may, if necessary be recovered from either of us or from any heir, executor or administrator of either of us, as if the same were an arrear of land revenue due from us, or either from us, to Government.

Dated and signed this day of ... 19... in the presence of and (2) ...

- (Signature of surety)
1. (Signature of witness)
2. (Signature of witness)
- (Signature of surety)

Accepted.

For and on behalf of the President of India.

FORM 7
[See rule 12(3)]

This deed of Mortgage made on this... day of ... one thousand nine hundred and seventy ... between the President of India of the first part and Shri ... son of ... resident of ... of the second part.

Whereas Shri ... resident of ... Taluka District ... has applied for a supply of water from the ... canal to irrigate the land herein below described, namely:—

Village	Taluka	Survey No.	Plot No.	Area of field to be irrigated	Name of crop	Period of irrigation
1	2	3	4	5	6	7

And whereas the party of the second part has been required to furnish security for the payment of water rates and other charges in respect of water supply.

This Deed witnesseth and the parties hereto hereby agree—

1. that party of the second part hereby mortgages to the President the land hereinbelow described to which he is absolutely entitled free of any encumbrance and of which he is the rightful owner.

District	Taluka	Village	Survey No.	Plot No.	Area of holding in the Survey No.	Remarks
1	2	3	4	5	6	7

2. That the party of the second part hereby agree for himself, his heirs, executors and administrators that in the event of his failure, to pay any part of the said water rate and other charges at the appointed time and place the President shall be at liberty to cause the said land to be sold and sale proceed to be applied in payment of the whole amount that may be outstanding from him at the time of sale in respect of the said supply of water.

3. That the party of the second part further agrees that it shall be lawful for the Government of Goa, Daman and Diu to cause the said land to be sold without the intervention of the Court under Section 69 of the *Transfer of property Act, 1882*, in case the said water rate and other charges or any part thereof have not been paid by him within 3 months from the date on which a written notice is served on him after the later rate and other charges have become due.

In witness whereof the parties herein have set their hands to this deed on the ... day of ...

Date and signed this ... Day of ... 19 (Signature) and (name)

Signature of witness (1)
Signature of witness (2)

1. ...
2. Signed and sealed for and on behalf of the President of India by Shri ...

FORM 8
[See rule 36(1)]

Application for drawing of water free of charge for irrigation from Nalla, Rivers Streams, etc. vesting in the Public Works Department on which Government has not incurred any expenditure.

No. of application
To,
The Canal-Officer,

I, ... resident of ... Taluka ... District ... make this application for the purpose of irrigation of the undermentioned land hereinafter described subject to the provisions of the Goa, Daman and Diu Irrigation Act, 1973 and Government orders issued thereunder from time to time for the supply of water from

- ... River
- ... Nalla
- ... Drain
- ... Tank

and subject to the conditions specified on the reverse of this application to which I agree. I attach a plan herewith showing the land proposed to be irrigated by me.

2. I am the ... of the land for which water has been applied for above.

3. The name and address of person to whom and the manner in which the order on this application should be delivered are:

Date Month Year Signature or left hand thumb impression of the applicant.

Signature of the witness Signature or left hand thumb impression of the occupant or joint occupants or superior holder in cases in which the applicant is not the occupant or superior holder.

Forwarded for sanction as follows:—
(1) Area to be sanctioned.

(2) Name of sanctioned crop
 (3) Period of sanction
 Hectares
 From to
 Sub-Divisional Officer

Date Month Year

Executive Engineer

Sanctioned

Canal Officer

Note:— Details of security bond to be invariably furnished by non-owner applicants as per details below:—

Name of sureties

Survey No. of

(1) Given a security as per Form 7

(2)

Instructions

1. This form is to be used for the permission to supply water from Rivers, Nallas, streams, drains, tanks vesting in the Public Works Department on which no expenditure has been incurred by the Government.

2. This application shall be submitted in duplicate to the Canal-Officer or any officer authorized by him to receive such applications. It may be sent by hand, presented personally or sent by post.

3. This application shall be tendered three months in advance for the season in which the supply of water is required by the applicant.

4. No sanction will ordinary be given for the irrigation of any land to any person other than (1) the sole occupant or all joint occupants, (2) the sole superior holder or all joint holders, (3) a person having the right to carry on irrigation cultivation of the land for the period of the sanction or, (4) a person duly authorised on behalf of any of these to receive such sanction.

5. The applicant should submit a plan of the land in the survey No. or survey Nos. concerned along with the application.

6. The applicant must state in paragraph 2 in the form of application the nature of his interest in the land or of his authority to apply for sanction for carrying on irrigated cultivation in the land. He must also state in paragraph 3 in the said form the name of person and his address on which the sanction is to be communicated.

7. On completion of the application and after due enquiry into the application, the Canal-Officer having regard to the existing riparian rights of the cultivators on the source of water may be either sanctioned it fully or partly or reject it. In case the application is sanctioned a pass for the use of water shall be issued to the applicant. Such pass shall be valid only for the period specified. In case the application is rejected the duplicate copy of the application shall be returned to the applicant after stating reasons for rejection.

8. Sanctions shall be refused for the supply of water for growing crops where there is a danger of canal water being taken surreptitiously.

Conditions

1. Sanction will be granted for the use of water free of charge for growing food and fodder crops including onions.

2. The applicant shall make a channel or channels for taking water to his lands at his own cost and responsibility.

3. Crops irrigated by the water supplied under Part IX of the Goa, Daman and Diu Irrigation Rules shall be separated from all crops irrigated by water supplied otherwise under the rules by at least 15.00 metres at all places.

4. The applicant shall not interfere with the natural drainage or artificial channels in utilising the water sanctioned for his lands.

5. The area for which the water has been sanctioned by the Canal-Officer shall be marked on a plan which shall be signed by the applicant.

6. No claim for compensation on account of damage to crops due to the failure or deficiency of water shall be entertained.

7. For using water after the expiry of the period of the pass or without obtaining a pass for use of water or for breach of any of the aforesaid conditions the applicant shall be charged full water rate leviable and shall also be liable to the penalties imposed under the provisions of the Goa, Daman and Diu Irrigation Act, 1973 and the Rules framed thereunder.

8. No canal water shall be granted or utilised for the areas brought under cultivation under the pass.

9. Areas of crops grown in excess of the sanctioned area shall be liable to be charged at full water rates leviable for using canal water and in addition the applicant shall be liable to penalties imposed for unauthorised irrigation under the Goa, Daman and Diu Irrigation Act, 1973 and Rules framed thereunder.

10. No water shall be taken by the applicant before his application has been sanctioned and before a pass has been delivered to him.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

W. Shaiza, Development Commissioner.

Panaji, 14th November, 1975.

Rural Development Department

ORDER

3-36/71/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Notification of Government of India, in the Ministry of Agriculture (Department of Food) G. S. R. 316 (IE), dated 20th June, 1972, the Administrator of Goa, Daman and Diu hereby makes the following Order so as to further amend the Goa, Daman and Diu Guest Control Order, 1973, namely:—

1. **Short title and commencement.**— (1) This Order may be called the Goa, Daman and Diu Guest Control (Second Amendment) Order, 1975.

2. **Amendment of clause 2.**— In the Goa, Daman and Diu Guest Control Order, 1973 (hereinafter called as the "Principal Order"), after the sub-clause (e), the following sub-clause shall be inserted, namely:—

"(f) "prohibited foodstuffs" means sweets and all foodstuffs prepared from or containing cereals;"

3. **Amendment of clause 3.**— In clause 3 of the Principal Order.—

(i) for the word "foodstuff" wherever it occurs, the words "prohibited foodstuff" shall be substituted.

(ii) after sub-clause (3), the following new sub-clause (4) shall be added, namely: —

(4) (a) At any party or function held either at a public place or a private residence at which the number of persons exceeds twenty five in the case of ordinary function but does not exceed one hundred, the number of items of non-prohibited foodstuff served shall not exceed four, out of which non-vegetarian preparations shall not exceed two and in addition thereto beverages and liquid refreshments can also be served.

Provided that the following items of non-prohibited foodstuff may be served in addition to the above four items, namely: —

Jam, Marmalade, fruit iced fruit, papad not containing prohibited foodstuff, raita not containing prohibited foodstuff, preserves, onion, celery, cream, curd, cheese, butter milk, sauce, vegetable salad and two vegetable preparations containing only non-prohibited foodstuff.

(b) Where the number of persons at any party or function exceeds one hundred, it shall be permissible to serve only beverages and liquid refreshments irrespective of whether the party or function is held in connection with a marriage or funeral or an ordinary function.

Provided, that potatoes and any preparation thereof can be served in any party irrespective of the number of persons participating therein.

(iii) in proviso of clause 3, after item (iii) the following proviso shall be added, namely: —

"Provided further that the restrictions regarding the number of persons (including host or hosts) shall not apply to parties, entertainments of other functions held by the Government on Government account."

4. **Insertion of new clause.** — After clause 3 of the Principal Order, the following new clause shall be added, namely: —

Restrictions on number of courses in parties. — Notwithstanding anything contained in clause 3, no person or body of persons including a caterer shall serve or distribute for consumption and no person shall accept for service or consumption in parties, entertainments, social or other functions marriages or funerals irrespective of whether the number of participants does not exceed twenty five or one hundred as the case may be, any meal containing more than four courses except as provided in the schedule whether served successively in European style or served together in Indian style or placed together in display for self help style or buffet type meal;

Provided that the following may be served as part of a meal in addition to the four courses, namely:

Jam, Marmalade, fruit, including iced fruit or vegetable juices, papad, pickles, chatni, raita, preserve, onions, celery ghee, butter cream, curds, cheese and butter milk, sauce, salad, dressings and such other condiments.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Rajashekhar, Under Secretary (Revenue).
Panaji, 25th November, 1975.

Notification

RDD/VPT/Amendment/53/74-75

In exercise of the powers conferred by clause (1) of sub-section (2) of section 65 read with clause (f) of sub-section (1) of section 39 of the Goa, Daman and Diu Village Panchayat Regulations, 1962 (9 of 1962), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, further to amend the Goa, Daman and Diu Village Panchayat imposition of Taxes, Fees and other dues Rules, 1963, namely:—

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Village Panchayats imposition of Taxes, Fees and other dues (First Amendment) Rules, 1975.

(2) They shall come into force at once.

2. **Amendment of rule 44.** — In rule 44 of the Goa, Daman and Diu Village Panchayats imposition of Taxes, Fees and other dues Rules, 1963, for the existing sub-rule (2), the following shall be substituted namely: —

"(2) The rate of tax to be levied under sub-rule (1) shall be as follows: —

Every company or person specified in sub-rule (1) whose monthly pay, salary, pension or estimated income from all sources other than agriculture, amounts to —

Half yearly

Class I	Rs. 10,000 or upwards	Rs. 50/-
Class II	Rs. 5,000 or upwards	Rs. 30/-
Class III	Rs. 3,000 or upwards	Rs. 25/-
Class IV	Rs. 2,000 or upwards	Rs. 18/-
Class V	Rs. 1,000 or upwards	Rs. 12.50
Class VI	Rs. 500 or upwards	Rs. 6.00
Class VII	Rs. 300 or upwards	Rs. 3.00
Class VIII	Rs. 200 or upwards	Rs. 2.00
Class IX	Rs. 100 or upwards	Rs. 1.00
Class X	Rs. 50 or upwards	Rs. 0.50
Class XI	Rs. 30 or upwards	Rs. 0.25"

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Planning).

Panaji, 20th November, 1975.

Notification

CDB/VPT/575/72-75

In exercise of the powers conferred by section 31 read with clause (r) of sub-section (2) of section 65 of the Goa, Daman and Diu Village Panchayat Regulations, 1962, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely: —

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Village

Panchayat (construction of crematorium sheds) Rules, 1975.

(2) They shall come into force at once.

2. Establishment of crematorium. — (1) A village Panchayat may establish crematorium at suitable place within the Panchayat area for the convenience of the people of the area.

(2) The crematorium may be so situated in the village that it will be accessible for all the villagers residing within 3 kms. from the point of its situation.

3. The maintenance of crematorium. — The Village Panchayat in whose jurisdiction crematorium is situated shall be responsible for its maintenance. The Panchayat may, if it so desires, appoint a sub-Committee to look after the maintenance of the said crematorium.

4. Limits of crematorium. — (1) The crematorium shall be constructed only on Government lands, Comunidade land or Panchayat land in the order of priority.

Provided that no new crematorium shall be constructed where a crematorium already exists within 3 kms. Provided further that if no Government land or Comunidade land or Panchayat land etc. is available, the Panchayat may acquire any other suitable land within the jurisdiction of the Panchayat area.

(2) The limits of crematorium established, shall be marked off by boundary stones, walls or any other enclosure or in such other manner as the Village Panchayat may think fit.

(3) The limit shall always be at a distance of at least 10 metres from the road side and shall never be on both sides of the road.

(4) The Village Panchayat shall be competent to alter the limits of the crematorium.

5. Use of Crematorium. — No person shall use the crematorium so established for funeral of his family member or relatives etc. except with the previous permission of the concerned Village Panchayat. Provided that when any person desired to use for funeral, a place different from the crematorium, as per wishes of the deceased individual or by any personal custom or law, he can do so only after obtaining prior permission from the Village Panchayat.

6. Place for halting vehicles, carts or animal. — No vehicle, cart or animal shall be halted in any crematorium except at such place as may be allotted by the Village Panchayat for this purpose.

7. Penalty. — Any person who commits a breach of the rule shall on conviction, be punished with fine which may extend to Rupees 25/-.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Planning).

Panaji, 24th November, 1975.

Law and Judiciary Department

Notification

LD/4450/75

The following Ordinance which was recently promulgated by the President of India on 24-10-1975 and published in extraordinary Gazette, dated 24-10-1975 Part-II section 1 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 10th November, 1975.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 24th October, 1975/Kartika 2, 1897 (Saka)

THE BONDED LABOUR SYSTEM (ABOLITION)

ORDINANCE, 1975

No. 17 of 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people, and for matters connected therewith or incidental thereto.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

CHAPTER I

Preliminary

1. Short title, extent and commencement. — (1) This Ordinance may be called the Bonded Labour System (Abolition) Ordinance, 1975.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Ordinance, unless the context otherwise requires, —

(a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor to another person (hereinafter referred to as the debtor);

(b) "agreement" means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the exis-

tence of which is presumed under any social custom prevailing in the concerned locality.

Explanation. — The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely: —

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti;

(c) "ascendant" or "descendant", in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society;

(d) "bonded debt" means an advance obtained or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;

(e) "bonded labour" means any labour or service rendered under the bonded labour system;

(f) "bonded labourer" means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt;

(g) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that, —

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community,

he would —

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the credit, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him,

and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an

agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

(h) "family", in relation to a person, includes the ascendant and descendant of such person;

(i) "nominal wages", in relation to any labour, means a wage which is less than the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality;

(j) "prescribed" means prescribed by rules made under this Ordinance.

3. Ordinance to have overriding effect. — The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance, or in any instrument having effect by virtue of any enactment other than this Ordinance.

CHAPTER II

Abolition of bonded labour system

4. Abolition of bonded labour system. — (1) On the commencement of this Ordinance, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

(2) After the commencement of this Ordinance, no person shall —

(a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.

5. Agreement, custom, etc., to be void. — On the commencement of this Ordinance, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Ordinance), by virtue of which any person, or any member of the family or dependant of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

CHAPTER III

Extinguishment of liability to repay bonded debt

6. Liability to repay bonded debt to stand extinguished. — (1) On the commencement of this Ordinance, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Ordinance, no suit or other proceeding shall lie in any civil court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of

this Ordinance and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Ordinance, for the recovery of any bonded debt, shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where, before the commencement of this Ordinance, possession of any property belonging to a bonded labourer or a member of his family or other dependant was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Ordinance, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration or the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Ordinance, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Ordinance:

Provided that the bonded labourer, or an agent authorised by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Ordinance, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Ordinance, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. Property of bonded labourer to be freed from mortgage, etc. — (1) All property vested in a bonded labourer which was, immediately before the commencement of this Ordinance under any mortgage, charge, lien or other incumbrances in connection with any bonded debt shall, in so far as it is releatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other incumbrances, and where any such property was, immediately before the commencement of this Ordinance, in the possession of the mortgagee or the holder of the charge, lien or incumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or incumbrance, such mesne profits as may be determined by the civil court within the local limits of whose jurisdiction such property is situated.

8. Freed bonded labourer not to be evicted from homestead, etc. — (1) No person who has been freed and discharged under this Ordinance from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Ordinance as part of the consideration for the bonded labour.

(2) If, after the commencement of this Ordinance, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer to the possession of such homestead or other residential premises.

9. Creditor not to accept payment against extinguished debt. — (1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Ordinance.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years and also with fine.

(3) The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

CHAPTER IV

Implementing authorities

10. Authorities who may be specified for implementing the provisions of this Ordinance. — The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Ordinance are properly carried out and the District Ma-

gistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified.

11. Duty of District Magistrate and other officers to ensure credit. — The District Magistrate authorised by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

12. Duty of District Magistrate and officers authorised by him. — It shall be the duty of every District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Ordinance, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

CHAPTER V

Vigilance Committees

13. Vigilance Committees. — (1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely: —

(a) the District Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate;

(c) two social workers, resident in the district, to be nominated by the District Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government;

(e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely: —

(a) the Sub-Divisional Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;

(e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(f) one officer specified under section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by —

(a) the District Magistrate, in the case of a Vigilance Committee constituted for the district;

(b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings, of the Vigilance Committee.

14. Functions of Vigilance Committees. — (1) The functions of each Vigilance Committee shall be, —

(a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Ordinance or of any rule made thereunder are properly implemented;

(b) to provide for the economic and social rehabilitation of the freed bonded labourers;

(c) to co-ordinate the functions of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourer;

(d) to keep an eye on the number of offences of which cognizance has been taken under this Ordinance;

(e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Ordinance;

(f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

(2) A Vigilance Committee may authorise one of its members to defend a suit against a freed bonded labourer and the member so authorised shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

15. Burden of proof. — Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

CHAPTER VI

Offences and procedure for trial

16. Punishment for enforcement of bonded labour. — Whoever, after the commencement of this Ordinance, compels any person to render any bonded labour shall be punishable with imprisonment for a

term which may extend to three years and also with fine which may extend to two thousand rupees.

17. Punishment for advancement of bonded debt. — Wherever advances, after the commencement of this Ordinance, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

18. Punishment for extracting bonded labour under the bonded labour system. — Whoever enforces, after the commencement of this Ordinance, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

19. Punishment for omission or failure to restore possession of property to bonded labourers. — Whoever, being required by this Ordinance to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Ordinance, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day during which possession of the property was not restored to him.

20. Abetment to be an offence. — Whoever abets any offence punishable under this Ordinance shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation. — For the purpose of this Ordinance, "abetment" has the meaning assigned to it in the Indian Penal Code. 45 of 1860.

21. Offences to be tried by Executive Magistrates. — (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of offences under this Ordinance; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class, or of the second class, as the case may be. 2 of 1974.

(2) An offence under this Ordinance may be tried summarily by a Magistrate.

22. Cognizance of Offences. — Every offence under this Ordinance shall be cognizable and bailable.

23. Offences by companies. — (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the

offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER VII

Miscellaneous

24. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Ordinance.

25. Jurisdiction of civil courts barred. — No civil court shall have jurisdiction in respect of any matter to which any provision of this Ordinance applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Ordinance.

26. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of section 6 is to be submitted;

(b) the time within which application for restoration of possession of property is to be made to the prescribed authority;

(c) steps to be taken by Vigilance Committees to ensure the implementation of the provisions of this Ordinance;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or

successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

Notification

LD/4571/75

The following notification received from the Government of India, Ministry of Home Affairs (Grih

Mantralaya) New Delhi, is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 22nd November, 1975.

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 20th October 1975

S. O. 610(E) In pursuance of clause (b) of rule 184 of the Defence and Internal Security of India Rules, 1971 the Central Government hereby specifies rule 127 of the said rules for the purposes of the said clause.

By order and in the name of the President.

[No. F. 11/16011/24/75-S&P(D-II)]

C. V. NARASIMHAN

Joint Secretary.